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Michael Mack and Estate of Ronald Mack, Sr.

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORINA**

MICHAEL MACK; and ESTATE OF
RONALD MACK, SR.

Plaintiffs,

vs.

GOLDEN TECHNOLOGIES, INC.;
GOLDEN TECHNOLOGIES;
GOLDEN BROTHERS, INC.;
RESPIRONICS, INC.; PHILIPS RS
NORTH AMERICA, LLC;
MICHELLE MACK; RONALD
MACK, JR.; and DOES 1 through 20,

Defendants.

CASE NO.:

**PLAINTIFFS' COMPLAINT FOR
DAMAGES FOR:**

- 1. Strict Products Liability**
- 2. Strict Products Liability
(Wrongful Death)**
- 3. Negligence**
- 4. Negligence (Wrongful Death)**
- 5. Negligent Recall/Retrofit**
- 6. Negligent Recall/Retrofit
(Wrongful Death)**
- 7. Negligent Infliction of
Emotional Distress**
- 8. Continuation of Decedent's
Causes of Action (Survival
Action)**

**PLAINTIFFS' DEMAND
FOR JURY TRIAL**

Plaintiffs Michael Mack and Estate of Ronald Mack, Sr., under subject
matter jurisdiction granted by 28 U.S.C. §§ 1331, 1332, 1346(b), and/or 1367,
complain and allege against Defendants Golden Technologies, Inc., Golden

1 Technologies, Golden Brothers, Inc., Respironics, Inc., and DOES 1 through 20 as
2 follows:

3
4 **PARTIES**

5 1. Plaintiff Michael Mack is a natural person domiciled in the State of
6 California.

7 2. Decedent Ronald Mack, Sr. (hereinafter, “Decedent”) was born on
8 May 2, 1941, and passed away on June 15, 2024, in Santa Barbara County,
9 California.

10 3. Decedent was at all times the loving and devoted father of Plaintiff
11 Michael Mack.

12 a. Pursuant to the operation of *California Code of Civil*
13 *Procedure* § 377.60, Plaintiff Michael Mack is the heir, successor in interest, and
14 the person lawfully entitled to assert a cause of action for the wrongful death of
15 Decedent. No other person has any claim, right, or interest in the cause of action
16 for wrongful death of Decedent that is superior to the claim by Plaintiff.

17 4. Defendant Golden Technologies, Inc. is a fictitious business name
18 for Defendant Golden Brothers, Inc., which is a corporation domiciled in the
19 Commonwealth of Pennsylvania.

20 5. Defendant Golden Technologies is an entity of unknown form
21 which is domiciled in the Commonwealth of Pennsylvania.

22 6. Defendant Respironics, Inc. is a fictitious business name for
23 Defendant Philips RS North America, LLC, which is a limited liability company
24 domiciled outside of the State of California.

25 7. Michelle Mack and Ronald Mack, Jr. are the daughter and son,
26 respectively, of Decedent Ronald Mack, Sr.
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1 a. A plaintiff in a wrongful death action has a mandatory duty to
2 join all known omitted heirs in a single action. (*See Ruttenberg v. Ruttenberg*, 53
3 Cal.App.4th 801, 808 (1997).) To accomplish this requirement, a plaintiff may
4 name other heirs as “a defendant so that all heirs are before the court in the same
5 action. An heir named as a defendant in a wrongful death action is, in reality, a
6 plaintiff.” (*Id.*)

7 b. Accordingly, Plaintiff names Michelle Mack and Ronald
8 Mack, Jr. for this purpose. However, Plaintiff does not seek any damages from
9 Michelle Mack and Ronald Mack, Jr. by this action. Michelle Mack and Ronald
10 Mack, Jr. are merely formal parties or nominal parties to this action.

11 c. Michele Mack and Ronald Mack are natural persons domiciled
12 in state(s) other than Defendants’ state(s) of domicile.

13
14 8. The true names and/or capacities, whether individual, corporate,
15 associate or otherwise of the defendants Does 1 through 20, inclusive, and each of
16 them, are unknown to Plaintiff who therefore sues said defendants by such
17 fictitious names. Plaintiff is informed and believes and thereon alleges that each
18 of these defendants fictitiously named herein as a Doe is legally responsible,
19 negligent, or in some other actionable manner liable for the events and happenings
20 hereinafter referred to, and proximately and legally caused the injuries to plaintiff
21 as hereinafter alleged. Plaintiff will seek leave of the court to amend this
22 Complaint to insert the true names and/or capacities of such fictitiously-named
23 defendants when the same has been ascertained. In any place in this Complaint
24 where the term “defendant” or “defendants” – singular or plural and whether or
25 not capitalized – is used it shall include all defendants, including Does 1-20 as if
26 so stated.

27 9. Plaintiffs are informed and believe and thereon allege that at all times
28 mentioned herein, defendants, and each of them, including Does 1 through 20,

1 inclusive, were the agents, servants, employees, and/or joint venturers of their co-
2 defendants, and were, as such, acting within the course, scope, and authority of
3 said agency, employment, and/or venture and that each and every defendant when
4 acting as a principal, was negligent in the selection and hiring of each and every
5 other defendant as an agent, employee and/or joint venture.

6 7 **JURISDICTION AND VENUE**

8 10. The jurisdiction of the court over the subject matter of this action is
9 predicated and based upon, without limitation, 28 U.S.C. §§ 1331, 1332, 1346,
10 and 1367.

11 11. Pursuant to 28 U.S.C. § 1391, venue is proper as a substantial part of
12 the events or omissions giving rise to the claim occurred within the jurisdiction of
13 the United States District Court for the Central District of California.

14 15 **LOCATION OF INCIDENT**

16 12. The incident giving rise to this litigation occurred at or near 600 East
17 Clark Avenue, Space 87, Santa Maria, California 93455.

18 19 **FACTUAL OVERVIEW**

20 13. On or about June 10, 2022, Ronald Mack, Sr. parked his scooter
21 beside the residence he shared with Michael Mack and which is located at or near
22 600 East Clark Avenue, Space 87, Santa Maria, California 93455. This Complaint
23 shall, at times, use the term “Subject Scooter” to mean this scooter and all of its
24 component parts, including all batteries and electrical components.

25 14. At all relevant times, Defendants Golden Technologies, Inc., Golden
26 Technologies, Golden Brothers, Inc., Respironics, Inc., Philips RS North America,
27 LLC, and Does 1 through 20, among others, were engaged in the business of
28

1 manufacturing, fabricating, designing, assembling, selling, distributing,
2 inspecting, servicing, repairing, marketing, warranting, leasing, renting,
3 wholesaling, and/or advertising the Subject Scooter, and each component part
4 thereof, which the defendants knew or should have known would be used without
5 inspection for defects in parts, mechanics, or design for use in the State of
6 California and elsewhere.

7 a. Plaintiffs are informed and believe the Subject Scooter was
8 Model No. GC440 and bore Serial No. QCZ14N0454.

9 15. Ronald Mack, Sr. acquired the Subject Scooter, including all
10 component parts, from Defendants, and others, which distributed, inspected, sold,
11 and/or leased the products.

12 16. At approximately 4:34 a.m. on June 10, 2022, the Subject Scooter
13 and its component parts ignited and caught on fire. The Subject Scooter was, at
14 the time, parked near the residence of Ronald Mack, Sr. and Michael Mack who
15 were sleeping inside.

16 17. The fire spread to the residence where it caused severe injuries to
17 Ronald Mack, Sr. and Michael Mack.

18 a. Without limitation, Michael Mack suffered TK. These
19 damages along with Michael Mack's non-economic damages and future economic
20 and non-economic damages exceed \$75,000.

21 b. Without limitation, Richard Mack, Sr. suffered TK. These
22 damages along with Ronald Mack's pre-death non-economic damages exceed
23 \$75,000.

24 18. Ronald Mack, Sr. died of his injuries on June 15, 2022.

25 19. The plaintiffs further suffered significant property damage to their
26 residence and personal property which exceeds \$75,000.
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1 20. Plaintiffs' damages exceed the jurisdictional minimum requirements
2 for jurisdiction.

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4 **FIRST CAUSE OF ACTION**

5 **Strict Products Liability**

6 **(By All Plaintiffs Against All Defendants, Including Does 1-20)**

7 21. Plaintiffs re-allege as though fully set forth at length and incorporate
8 herein by reference, all of the allegations and statements contained in this
9 Complaint.

10 22. Defendants Golden Technologies, Inc., Golden Technologies, Golden
11 Brothers, Inc., Respironics, Inc., Philips RS North America, LLC, and Does 1
12 through 20, among others, knew that the Subject Scooter was to be acquired and
13 used without inspection for defects by users of that vehicle.

14 23. The Subject Scooter, and each of its component parts, were
15 manufactured, designed, assembled, packaged, tested, fabricated, analyzed,
16 inspected, merchandised, marketed, distributed, labeled, advertised, promoted,
17 sold, supplied, leased, rented, serviced, repaired, adjusted, and selected by
18 Defendants Golden Technologies, Inc., Golden Technologies, Golden Brothers,
19 Inc., Respironics, Inc., Philips RS North America, LLC, and Does 1 through 20,
20 among others, and contained inherent defects both in design and manufacturing.
21 The defendants knew or should have known of these defects. The defendants
22 failed to warn of these defects.

23
24 24. These defects and the defendants' failure to warn of them rendered
25 the Subject Scooter to be dangerous, hazardous, and unsafe for both its intended
26 use and for reasonably foreseeable misuses.

27 25. The defects of the Subject Scooter included, without limitation:

28 a. Defective and unsafe electrical system;

- b. Defective and unsafe fire retardation systems;
- c. Inadequate, insufficient, improper, and/or lack of any warnings regarding these defects.

26. The Subject Scooter was unsafe for its intended use and reasonably foreseeable misuses and presented a substantial danger due to the defects in its design, manufacture, and failure to warn at the time of the incident in which Plaintiffs were injured and which ultimately caused Plaintiff Ronald Mack, Sr.'s death. At the time of the incident, the Subject Scooter was being operated in its intended or reasonably foreseeable manner.

27. The Subject Scooter did not perform as safely as an ordinary customer, operator, and passenger would have expected it to perform when used and/or misused in an intended and reasonably foreseeable way.

28. The Subject Scooter and the lack of sufficient instructions or warnings of the defects was a substantial factor in causing Plaintiffs' injuries and the death of Ronald Mack, Sr.

29. The plaintiffs' injuries were a direct, proximate, and legal result of the negligence, acts, and omissions by the defendants.

30. As a direct, proximate, and legal cause of the wrongful conduct of Defendants Golden Technologies, Inc., Golden Technologies, Golden Brothers, Inc., Respironics, Inc., Philips RS North America, LLC, and Does 1 through 20, among others, the Plaintiffs have suffered, without limitation:

- a. Past and future medical and healthcare expenses;
- b. Past and future lost earnings and diminution of earning capacity;
- c. Past and future household services;
- d. Past and future incidental expenses; and

1 e. Past and future non-economic damages, including: physical
2 pain, mental suffering, loss of enjoyment of life, disfigurement, physical
3 impairment, inconvenience, grief, anxiety, humiliation, and emotional distress.

4 31. As a factual and legal result of the aforementioned negligence,
5 Plaintiffs have suffered damages in an amount which exceeds the minimum
6 jurisdictional limits of this court, according to proof at time of trial.
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8 **SECOND CAUSE OF ACTION**

9 **Strict Products Liability (Wrongful Death)**

10 **(By Plaintiff Michael Mack Against All Defendants, Including Does 1-20)**

11 32. Plaintiff re-alleges as though fully set forth at length and incorporate
12 herein by reference, all of the allegations and statements contained in this
13 Complaint.
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15 33. As set forth above, Plaintiff Ronald Mack, Sr., the father of Plaintiff
16 Michael Mack, died as a direct result of the negligence and misconduct described
17 in this Complaint.

18 34. Defendants Golden Technologies, Inc., Golden Technologies, Golden
19 Brothers, Inc., Respironics, Inc., Philips RS North America, LLC, and Does 1
20 through 20, among others, knew that the Subject Scooter was to be acquired and
21 used without inspection for defects by users of that vehicle.

22 35. The Subject Scooter, and each of its component parts, were
23 manufactured, designed, assembled, packaged, tested, fabricated, analyzed,
24 inspected, merchandised, marketed, distributed, labeled, advertised, promoted,
25 sold, supplied, leased, rented, serviced, repaired, adjusted, and selected by
26 Defendants Golden Technologies, Inc., Golden Technologies, Golden Brothers,
27 Inc., Respironics, Inc., Philips RS North America, LLC, and Does 1 through 20,
28 among others, and contained inherent defects both in design and manufacturing.

1 The defendants knew or should have known of these defects. The defendants
2 failed to warn of these defects.

3 36. These defects and the defendants' failure to warn of them rendered
4 the Subject Scooter to be dangerous, hazardous, and unsafe for both its intended
5 use and for reasonably foreseeable misuses.

6 37. The defects of the Subject Scooter included, without limitation:
7 a. Defective and unsafe electrical system;
8 b. Defective and unsafe fire retardation systems;
9 c. Inadequate, insufficient, improper, and/or lack of any warnings
10 regarding these defects.

11 38. The Subject Scooter was unsafe for its intended use and reasonably
12 foreseeable misuses and presented a substantial danger due to the defects in its
13 design, manufacture, and failure to warn at the time of the incident in which
14 Plaintiffs were injured and which ultimately caused Plaintiff Ronald Mack, Sr.'s
15 death. At the time of the incident, the Subject Scooter was being operated in its
16 intended or reasonably foreseeable manner.

17 39. The Subject Scooter did not perform as safely as an ordinary
18 customer, operator, and passenger would have expected it to perform when used
19 and/or misused in an intended and reasonably foreseeable way.

20 40. The Subject Scooter and the lack of sufficient instructions or
21 warnings of the defects was a substantial factor in causing Plaintiff's injuries and
22 the death of Ronald Mack, Sr.

23 41. Prior to his death, Ronald Mack, Sr. was the loving father of Plaintiff
24 Michael Mack. As a direct, proximate, and legal result of the combined wrongful
25 conduct by Defendants Golden Technologies, Inc., Golden Technologies, Golden
26 Brothers, Inc., Respirationics, Inc., Philips RS North America, LLC, and Does 1
27 through 20, among others, Plaintiff Michael Mack has suffered, without
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1 limitation, the full extent of damages set forth in CACI 3922 and the wrongful
2 death statute and severe emotional distress.

3 a. Such economic damages for Plaintiff Michael Mack includes,
4 without limitation:

5 i. The value of the financial support that Decedent would
6 have contributed to the family during the life expectancy of the Decedent and/or
7 the life expectancy of Plaintiff Michael Mack;

8 ii. The loss of gifts and benefits that Plaintiff Michael
9 Mack could have expected to receive from Decedent;

10 iii. Funeral and burial expenses; and

11 iv. The reasonable value of household services that the
12 Decedent would have provided to Plaintiff Michael Mack.

13 b. Such non-economic damages for Plaintiff Michael Mack
14 includes, without limitation: The loss of Decedent's love, companionship,
15 comfort, care, assistance, protection, affection, society, and moral support.

16 42. As a factual and legal result of the aforementioned negligence,
17 Plaintiff Michael Mack has suffered damages in an amount which exceeds the
18 minimum jurisdictional limits of this court, according to proof at time of trial.
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20 21 **THIRD CAUSE OF ACTION**

22 **Negligence**

23 **(By All Plaintiffs Against All Defendants, Including Does 1-20)**

24 43. Plaintiffs re-allege as though fully set forth at length and incorporate
25 herein by reference, all of the allegations and statements contained in this
26 Complaint.

27 44. Defendants Golden Technologies, Inc., Golden Technologies, Golden
28 Brothers, Inc., Respirationics, Inc., Philips RS North America, LLC, and Does 1

1 through 20, among others, knew that the Subject Scooter was to be acquired and
2 used without inspection for defects by users of that vehicle.

3 45. The Subject Scooter, and each of its component parts, were
4 manufactured, designed, assembled, packaged, tested, fabricated, analyzed,
5 inspected, merchandised, marketed, distributed, labeled, advertised, promoted,
6 sold, supplied, leased, rented, serviced, repaired, adjusted, and selected by
7 Defendants Golden Technologies, Inc., Golden Technologies, Golden Brothers,
8 Inc., Respironics, Inc., Philips RS North America, LLC, and Does 1 through 20,
9 among others, and contained inherent defects both in design and manufacturing.
10 The defendants knew or should have known of these defects. The defendants
11 failed to warn of these defects.
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13 46. These defects and the defendants' failure to warn of them rendered
14 the Subject Scooter to be dangerous, hazardous, and unsafe for both its intended
15 use and for reasonably foreseeable misuses.

16 47. The defects of the Subject Scooter included, without limitation:
17 a. Defective and unsafe electrical system;
18 b. Defective and unsafe fire retardation systems;
19 c. Inadequate, insufficient, improper, and/or lack of any warnings
20 regarding these defects.

21 48. The Subject Scooter was unsafe for its intended use and reasonably
22 foreseeable misuses and presented a substantial danger due to the defects in its
23 design, manufacture, and failure to warn at the time of the incident in which
24 Plaintiffs were injured and which ultimately caused Plaintiff Ronald Mack, Sr.'s
25 death. At the time of the incident, the Subject Scooter was being operated in its
26 intended or reasonably foreseeable manner.
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1 49. The Subject Scooter did not perform as safely as an ordinary
2 customer, operator, and passenger would have expected it to perform when used
3 and/or misused in an intended and reasonably foreseeable way.

4 50. The Subject Scooter and the lack of sufficient instructions or
5 warnings of the defects was a substantial factor in causing Plaintiffs' injuries and
6 the death of Ronald Mack, Sr.

7 51. The plaintiffs' injuries were a direct, proximate, and legal result of
8 the negligence, acts, and omissions by the defendants.

9 52. As a direct, proximate, and legal cause of the wrongful conduct of
10 Defendants Golden Technologies, Inc., Golden Technologies, Golden Brothers,
11 Inc., Respironics, Inc., Philips RS North America, LLC, and Does 1 through 20,
12 among others, the Plaintiffs have suffered, without limitation:

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- 14 a. Past and future medical and healthcare expenses;
 - 15 b. Past and future lost earnings and diminution of earning
16 capacity;
 - 17 c. Past and future household services;
 - 18 d. Past and future incidental expenses; and
 - 19 e. Past and future non-economic damages, including: physical
20 pain, mental suffering, loss of enjoyment of life, disfigurement, physical
21 impairment, inconvenience, grief, anxiety, humiliation, and emotional distress.

22 53. As a factual and legal result of the aforementioned negligence,
23 Plaintiffs have suffered damages in an amount which exceeds the minimum
24 jurisdictional limits of this court, according to proof at time of trial.
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FOURTH CAUSE OF ACTION

Negligence (Wrongful Death)

(By Plaintiff Michael Mack Against All Defendants, Including Does 1-20)

54. Plaintiff re-alleges as though fully set forth at length and incorporate herein by reference, all of the allegations and statements contained in this Complaint.

55. As set forth above, Plaintiff Ronald Mack, Sr., the father of Plaintiff Michael Mack, died as a direct result of the negligence and misconduct described in this Complaint.

56. Defendants Golden Technologies, Inc., Golden Technologies, Golden Brothers, Inc., Respironics, Inc., Philips RS North America, LLC, and Does 1 through 20, among others, knew that the Subject Scooter was to be acquired and used without inspection for defects by users of that vehicle.

57. The Subject Scooter, and each of its component parts, were manufactured, designed, assembled, packaged, tested, fabricated, analyzed, inspected, merchandised, marketed, distributed, labeled, advertised, promoted, sold, supplied, leased, rented, serviced, repaired, adjusted, and selected by Defendants Golden Technologies, Inc., Golden Technologies, Golden Brothers, Inc., Respironics, Inc., Philips RS North America, LLC, and Does 1 through 20, among others, and contained inherent defects both in design and manufacturing. The defendants knew or should have known of these defects. The defendants failed to warn of these defects.

58. These defects and the defendants' failure to warn of them rendered the Subject Scooter to be dangerous, hazardous, and unsafe for both its intended use and for reasonably foreseeable misuses.

59. The defects of the Subject Scooter included, without limitation:

a. Defective and unsafe electrical system;

- b. Defective and unsafe fire retardation systems;
- c. Inadequate, insufficient, improper, and/or lack of any warnings regarding these defects.

60. The Subject Scooter was unsafe for its intended use and reasonably foreseeable misuses and presented a substantial danger due to the defects in its design, manufacture, and failure to warn at the time of the incident in which Plaintiffs were injured and which ultimately caused Plaintiff Ronald Mack, Sr.'s death. At the time of the incident, the Subject Scooter was being operated in its intended or reasonably foreseeable manner.

61. The Subject Scooter did not perform as safely as an ordinary customer, operator, and passenger would have expected it to perform when used and/or misused in an intended and reasonably foreseeable way.

62. The Subject Scooter and the lack of sufficient instructions or warnings of the defects was a substantial factor in causing Plaintiff's injuries and the death of Ronald Mack, Sr.

63. Prior to his death, Ronald Mack, Sr. was the loving father of Plaintiff Michael Mack. As a direct, proximate, and legal result of the combined wrongful conduct by Defendants Golden Technologies, Inc., Golden Technologies, Golden Brothers, Inc., Respironics, Inc., Philips RS North America, LLC, and Does 1 through 20, among others, Plaintiff Michael Mack has suffered, without limitation, the full extent of damages set forth in CACI 3922 and the wrongful death statute and severe emotional distress.

a. Such economic damages for Plaintiff Michael Mack includes, without limitation:

i. The value of the financial support that Decedent would have contributed to the family during the life expectancy of the Decedent and/or the life expectancy of Plaintiff Michael Mack;

1 Inc., Respironics, Inc., Philips RS North America, LLC, and Does 1 through 20,
2 among others, and contained inherent defects both in design and manufacturing.
3 The defendants knew or should have known of these defects. The defendants
4 failed to warn of these defects.

5 68. These defects and the defendants' failure to warn of them rendered
6 the Subject Scooter to be dangerous, hazardous, and unsafe for both its intended
7 use and for reasonably foreseeable misuses.

8 69. The defects of the Subject Scooter included, without limitation:
9 a. Defective and unsafe electrical system;
10 b. Defective and unsafe fire retardation systems;
11 c. Inadequate, insufficient, improper, and/or lack of any warnings
12 regarding these defects.

13 70. Defendants failed to recall and/or retrofit or warn of the danger of the
14 Subject Scooter.

15 71. A reasonable manufacturer, distributor, installer, maintainer, servicer,
16 seller, lessor, or entity in the capacity of Defendants, under the same or similar
17 circumstances would have recalled and/or retrofitted the Subject Scooter.

18 72. The Subject Scooter was unsafe for its intended use and reasonably
19 foreseeable misuses and presented a substantial danger due to the defects in its
20 design, manufacture, and failure to warn at the time of the incident in which
21 Plaintiffs were injured and which ultimately caused Plaintiff Ronald Mack, Sr.'s
22 death. At the time of the incident, the Subject Scooter was being operated in its
23 intended or reasonably foreseeable manner.

24 73. The Subject Scooter did not perform as safely as an ordinary
25 customer, operator, and passenger would have expected it to perform when used
26 and/or misused in an intended and reasonably foreseeable way.
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1 74. The Subject Scooter and the failure to recall and/or retrofit it was a
2 substantial factor in causing Plaintiff's injuries and the death of Ronald Mack, Sr.

3 75. The plaintiffs' injuries were a direct, proximate, and legal result of
4 the negligence, acts, and omissions by the defendants.

5 76. As a direct, proximate, and legal cause of the wrongful conduct of
6 Defendants Golden Technologies, Inc., Golden Technologies, Golden Brothers,
7 Inc., Respironics, Inc., Philips RS North America, LLC, and Does 1 through 20,
8 among others, the Plaintiffs have suffered, without limitation:

- 9 a. Past and future medical and healthcare expenses;
10 b. Past and future lost earnings and diminution of earning
11 capacity;
12 c. Past and future household services;
13 d. Past and future incidental expenses; and
14 e. Past and future non-economic damages, including: physical
15 pain, mental suffering, loss of enjoyment of life, disfigurement, physical
16 impairment, inconvenience, grief, anxiety, humiliation, and emotional distress.

17 77. As a factual and legal result of the aforementioned negligence,
18 Plaintiffs have suffered damages in an amount which exceeds the minimum
19 jurisdictional limits of this court, according to proof at time of trial.
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22 **SIXTH CAUSE OF ACTION**

23 **Negligent Recall/Retrofit (Wrongful Death)**

24 **(By Plaintiff Michael Mack Against All Defendants, Including Does 1-20)**

25 78. Plaintiff re-alleges as though fully set forth at length and incorporate
26 herein by reference, all of the allegations and statements contained in this
27 Complaint.
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1 79. As set forth above, Plaintiff Ronald Mack, Sr., the father of Plaintiff
2 Michael Mack, died as a direct result of the negligence and misconduct described
3 in this Complaint.

4 80. Defendants Golden Technologies, Inc., Golden Technologies, Golden
5 Brothers, Inc., Respironics, Inc., Philips RS North America, LLC, and Does 1
6 through 20, among others, knew that the Subject Scooter was to be acquired and
7 used without inspection for defects by users of that vehicle.

8 81. The Subject Scooter, and each of its component parts, were
9 manufactured, designed, assembled, packaged, tested, fabricated, analyzed,
10 inspected, merchandised, marketed, distributed, labeled, advertised, promoted,
11 sold, supplied, leased, rented, serviced, repaired, adjusted, and selected by
12 Defendants Golden Technologies, Inc., Golden Technologies, Golden Brothers,
13 Inc., Respironics, Inc., Philips RS North America, LLC, and Does 1 through 20,
14 among others, and contained inherent defects both in design and manufacturing.
15 The defendants knew or should have known of these defects. The defendants
16 failed to warn of these defects.
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18 82. These defects and the defendants' failure to warn of them rendered
19 the Subject Scooter to be dangerous, hazardous, and unsafe for both its intended
20 use and for reasonably foreseeable misuses.

21 83. The defects of the Subject Scooter included, without limitation:
22 a. Defective and unsafe electrical system;
23 b. Defective and unsafe fire retardation systems;
24 c. Inadequate, insufficient, improper, and/or lack of any warnings
25 regarding these defects.

26 84. Defendants failed to recall and/or retrofit or warn of the danger of the
27 Subject Scooter.
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1 85. A reasonable manufacturer, distributor, installer, maintainer, servicer,
2 seller, lessor, or entity in the capacity of Defendants, under the same or similar
3 circumstances would have recalled and/or retrofitted the Subject Scooter.

4 86. The Subject Scooter was unsafe for its intended use and reasonably
5 foreseeable misuses and presented a substantial danger due to the defects in its
6 design, manufacture, and failure to warn at the time of the incident in which
7 Plaintiffs were injured and which ultimately caused Plaintiff Ronald Mack, Sr.'s
8 death. At the time of the incident, the Subject Scooter was being operated in its
9 intended or reasonably foreseeable manner.

10 87. The Subject Scooter did not perform as safely as an ordinary
11 customer, operator, and passenger would have expected it to perform when used
12 and/or misused in an intended and reasonably foreseeable way.

13 88. The Subject Scooter and the failure to recall and/or retrofit it was a
14 substantial factor in causing Plaintiff's injuries and the death of Ronald Mack, Sr.

15 89. Prior to his death, Ronald Mack, Sr. was the loving father of Plaintiff
16 Michael Mack. As a direct, proximate, and legal result of the combined wrongful
17 conduct by Defendants Golden Technologies, Inc., Golden Technologies, Golden
18 Brothers, Inc., Respironics, Inc., Philips RS North America, LLC, and Does 1
19 through 20, among others, Plaintiff Michael Mack has suffered, without
20 limitation, the full extent of damages set forth in CACI 3922 and the wrongful
21 death statute and severe emotional distress.

22 a. Such economic damages for Plaintiff Michael Mack includes,
23 without limitation:

24 i. The value of the financial support that Decedent would
25 have contributed to the family during the life expectancy of the Decedent and/or
26 the life expectancy of Plaintiff Michael Mack;
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1 94. At or around the same time as the incidents were occurring, Michael
2 Mack and Ronald Mack, Sr. were aware that the incident was causing injury to the
3 other.

4 95. Michael Mack and Ronald Mack, Sr. suffered serious emotional
5 distress, including, without limitation, anguish, fright, horror, nervousness, grief,
6 anxiety, worry, shock, humiliation, and shame above and beyond their own
7 injuries as a result of perceiving their family member being injured.

8 96. The plaintiffs' injuries were a direct, proximate, and legal result of
9 the negligence, acts, and omissions by the defendants.

10 97. As a direct, proximate, and legal cause of the wrongful conduct of
11 Defendants, the Plaintiffs have suffered, without limitation:

- 12 a. Past and future medical and healthcare expenses;
13 b. Past and future lost earnings and diminution of earning
14 capacity;
15 c. Past and future household services;
16 d. Past and future incidental expenses; and
17 e. Past and future non-economic damages, including: physical
18 pain, mental suffering, loss of enjoyment of life, disfigurement, physical
19 impairment, inconvenience, grief, anxiety, humiliation, and emotional distress.
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21 98. As a factual and legal result of the aforementioned negligence,
22 Plaintiffs have suffered damages in an amount which exceeds the minimum
23 jurisdictional limits of this court, according to proof at time of trial.
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EIGHTH CAUSE OF ACTION

Survival Action

(By All Plaintiff Estate Of Ronald Mack, Sr., Including Does 1-20)

99. Plaintiff re-alleges as though fully set forth at length and incorporate herein by reference, all of the allegations and statements contained within this Complaint.

100. As set forth above, Ronald Mark, Sr. died of the injuries caused by the incident described above.

101. Prior to his death, Ronald Mark, Sr. had valuable claims and causes of action against all defendants herein, which Ronald Mark, Sr. would have asserted had he lived.

102. Plaintiff Michael Mack was Ronald Mark, Sr.'s devoted son. Plaintiff Michael Mack has been or will be appointed administrator of the Estate of Ronald Mark, Sr. Pursuant to operation of Code of Civil Procedure § 377.10, without limitation, the administrator lawfully succeeds to the causes of action held by Decedent at the time of his death and/or is authorized to so act by his successors.

103. One or more of the plaintiffs is or will be the personal representative and successor in interest of Ronald Mack, Sr. as defined in Code of Civil Procedure § 377.11.

104. As a proximate and legal result of the combined and concurrent wrongful and negligent conduct of Defendants, the Estate of Ronald Mack, Sr. has sustained pecuniary damages which include, but are not limited to, medical and incidental expenses. The Estate of Ronald Mack, Sr. has further suffered loss of valuable tangible items of personal property as well as funeral, burial, and incidental expenses which were paid on behalf of Decedent.

DEMAND FOR JURY TRIAL

Plaintiffs Michael Mack and Estate of Ronald Mack, Sr hereby demand a trial by jury on all causes of action.

Dated: June 3, 2024

CARPENTER & ZUCKERMAN

Robert J. Ounjian

Robert J. Ounjian
Counsel for Plaintiffs